

for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On September 27, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9960. Adulteration of rye. U. S. \* \* \* v. One Car-Load of Rye. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 458-c.)**

On December 14, 1918, the United States attorney for the Eastern District of Virginia, acting upon a report by the Dairy and Food Commissioner of Virginia, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one car-load of rye, at Richmond, Va., alleging that the article had been shipped by the Stuart Grain Co., Schoolcraft, Mich., on or about October 15, 1918, and transported from the State of Michigan into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of filthy, decomposed, and putrid vegetable matter.

On January 4, 1919, Ernest L. Wellman, claimant, having agreed to brand and label correctly the said product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9961. Misbranding of Federal stock conditioner. U. S. \* \* \* v. 103 Bags of Federal Stock Conditioner. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 586-c.)**

On December 18, 1920, the United States attorney for the Western District of New York, acting upon a report by an official of the Department of Agriculture of New York, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 103 bags of Federal stock conditioner, remaining unsold in the original unbroken packages at North Tonawanda, N. Y., consigned by the Federal Stock Food Co., Mifflinburg, Pa., alleging that the article had been shipped from Mifflinburg, Pa., on or about October 22, 1920, and transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bags) "Federal Stock Conditioner \* \* \*"; (circular) "\* \* \* This Conditioner is only good for Horses, Hogs, Sheep, Cows, Goats, and Calves, and contains the following ingredients:—Charcoal, Epsom Salts, Copperas, Cocoa Bean Shell Meal, Buckwheat Hulls, Ground Oyster Shells for lime, \* \* \* Salt one per cent \* \* \* Take Notice—This is no food, it is a conditioner \* \* \* It is medicated and a laxative; is supposed to purify the blood and tone up the system. Directions For Feeding Federal Stock Conditioner. A Tablespoonful Is a Feed Measure Horses Cows Steers Hogs:—Three feed measurers for each animal three times a day \* \* \* For Hog Cholera:—Four tablespoonfuls three times a day with a little salt added. \* \* \* Sheep And Goats \* \* \* With the above directions add salt according to amount of salt you would feed to your stock. \* \* \*

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing on the bag and in the accompanying

circular were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effect claimed. Misbranding was alleged in substance for the further reason that the above-described circular bore a statement regarding the ingredients contained in the said article, which was false and misleading.

On May 6, 1921, the Federal Stock Food Co., Mifflinburg, Pa., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9962. Adulteration of flour. U. S. \* \* \* v. 1,222 Sacks of Flour. Of 988 sacks seized, default decree of condemnation, forfeiture, and destruction with respect to 417 sacks; action quashed and product released with respect to 198 sacks; consent decrees of condemnation and forfeiture providing for release of 373 sacks under bond. (F. & D. No. 600-c.)**

On December 17, 1920, the United States attorney for the District of Porto Rico, acting upon a report by the Commissioner of Sanitation of Porto Rico, filed in the District Court of the United States for said district a libel, and on February 21, 1921, an amendment thereto, praying the seizure and condemnation of approximately 1,222 sacks of flour, remaining in the original unbroken packages in part at San Juan and in part at Bayamon, P. R., alleging that the article was adulterated in violation of the Food and Drugs Act. The article was in nine separate lots and labeled in part, respectively: "Saturno, M. L. Co."; "C. I. de Y. Gran Fuerza"; "Ilmotex, J. F. A."; "S. R. Co."; "Almirante, E. O."; "Golden Seal, M. R., Cataño"; "Bonanza, C. I. de Y."; "La Puritana, C. I. de Y."; and "Star & Crescent, S. L. V. & Co."

Adulteration of the article was alleged in the libel, as amended, for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On January 4 and February 4 and 15, 1921, respectively, 988 sacks of the product having been seized by the United States marshal, and Sucesores de San Miguel Hermanos, S. en C., Bayamon, P. R., S. Ramirez & Co. and Julio F. Anduze, of San Juan, P. R., respectively, claimants for 373 sacks thereof, having admitted the allegations of the libel so far as they concerned the said 373 sacks, having consented to the entry of decrees, and having agreed to denature the said product so as to render it unfit for any purpose other than agricultural uses, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$750, in conformity with section 10 of the act. On January 6, 1921, M. Lamadrid & Co., San Juan, P. R., claimant for 198 sacks of the said product, having filed a motion to quash the attachment on the grounds that a special examination of the said 198 sacks had shown the product to be fit for human consumption, judgment of the court was entered, ordering that the said attachment be quashed and that the said 198 sacks be returned to the claimant thereof. On February 21, 1921, no claimant having appeared for the remaining 417 sacks, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*